

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

1800 SOUTH MAPLE STREET, LLC, et al.,	)	Civil No.07cv2030-JM(NLS)
	)	
Plaintiffs,	)	<b>ORDER DENYING PLAINTIFFS' <i>EX</i></b>
v.	)	<b><i>PARTE</i> APPLICATION REQUESTING</b>
	)	<b>A STAY OF THIS MATTER</b>
ALLIED PROPERTY & CASUALTY	)	
INSURANCE CO., et al.,	)	[Doc. No. 20]
	)	
Defendants.	)	
	)	

Plaintiffs in the above-captioned matter have filed an *Ex Parte* Application [Doc. No. 20] requesting a stay of this case pending resolution of Plaintiffs' currently pending motion to amend their complaint. Plaintiffs have sought leave from the presiding District Judge to join an additional defendant to the case; if leave is granted, Plaintiffs assert that the additional defendant's presence in the case will destroy diversity jurisdiction and necessitate remand of the case to state court. (*Plaintiffs' Ex Parte*, 2.) As such, Plaintiffs request that this Court place a stay on the dates set forth in its January 10, 2008 Case Management Order [Doc. No. 19] in order to avoid the "judicial inefficiency" that may result from the parties meeting pursuant to Rule 26(f) while the motion to amend is pending. (*Id.* at 3.)

Defendants oppose the request and argue that Plaintiffs fail to show good cause for the stay. (*Defendants' Opposition*, Doc. No. 22, 2.) Defendants also assert that the deadlines and obligations created by the Case Management Order are not onerous, and the case should continue to progress forward pending the resolution on Plaintiffs' motion to amend. (*Id.*) In reply, Plaintiffs argue that although they have been attempting in good faith to comply with the deadlines set forth in the Court's

1 order, Defendants have not been cooperative in scheduling the Rule 26(f) conference. (*Plaintiffs' Reply*,  
2 Doc. No. 23, 2.)

3 The Court finds that Plaintiffs fail to demonstrate good cause for a stay of the deadlines set by  
4 this Court's January 10, 2008 Case Management Order [Doc. No. 19]. The Court agrees with  
5 Defendants' assertion that the obligations are not onerous and will not result in judicial inefficiency  
6 given the early stage of the litigation of this case.

7 Accordingly, Plaintiffs' *Ex Parte* Application [Doc. No. 20] is **DENIED**. The Rule 26(f)  
8 conference shall be completed on or before **February 8, 2008**. All other terms and conditions of the  
9 Court's Case Management Order shall remain in full force and effect. Failure of any counsel or party to  
10 comply with this order will result in sanctions.

11 **IT IS SO ORDERED.**

12 DATED: February 4, 2008



Hon. Nita L. Stormes  
U.S. Magistrate Judge